



# CITY OF LODI COUNCIL COMMUNICATION

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AGENDA ITEM

K-5

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$249,215.57).

**MEETING DATE:** December 17, 2008 City Council Meeting

**PREPARED BY:** City Attorney's Office

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**RECOMMENDED ACTION:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$249,215.57).

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskowitz, Tiedemann & Girard and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

## Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct.
8002	111818	Sep-08	People v. M&P Investments	797.85
8001	111819	Oct-08	General Advice	1,765.33
8005	111817	Oct-08	City v. Unigard	246.00
8008	111938	Oct-08	City v. Envision	136,670.65
8008	112154	Nov-08	City v. Envision	79,767.77
		Nov-08	Thomas Haas/Expert Witness	2,352.00
		Nov-08	Carol M. Langford/Expert Witness	5,857.50
		Oct-Nov08	Bill Madison/Expert Witness	9,625.00
<b>Total</b>				<b>\$237,082.10</b>

## Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.001	241934	11/25/08	General Advice	\$ 158.10
11233.026	241934	11/25/08	Lodi First v. City of Lodi	\$ 7,208.52
11233.029	241934	11/25/08	AT&T v. City of Lodi	\$ 1,982.60
<b>Total</b>				<b>\$ 9,349.22</b>

APPROVED,

Blair King, City Manager

**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account
1077	Nov-08	Benchmark Video	2,055.25
1090	11/08/08	Benchmark Video	729.00
			<b>\$2,784.25</b>

**FISCAL IMPACT:** Expenses in the amount of \$9,349.22 will be paid out of the General Fund and \$7,208.52 billed to Wal-Mart for City's defense of the Lodi First litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:** 184010.7323 - \$239,866.35  
100351.7323 - \$ 9,349.22

Approved: \_\_\_\_\_

Kirk Evans, Budget Manager

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D. Stephen Schwabauer, City Attorney